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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/633,976	08/04/2003	Osamu Suzuki	2271/70770

CONFIRMATION NO. 5636

## FORMALITIES LETTER



\*OC000000014982961\*

Ivan S. Kavrukov, Esq.  
 Cooper & Dunham LLP  
 1185 Avenue of the Americas  
 New York, NY 10036

03/02/2005 HDENESS1 00000022 10633976

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130.00 DP

Date Mailed: 01/19/2005

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **2, 3A, 3B** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date

being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

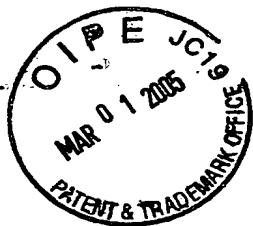
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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Dkt. 2271/70770

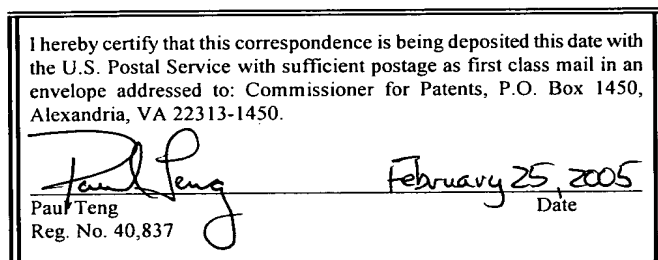
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of : Osamu SUZUKI

Serial No. : 10/633,976

Date Filed : August 4, 2003

For : NETWORK FACSIMILE MACHINE WITH IMPROVED USABILITY



1185 Avenue of the Americas  
New York, N.Y. 10036  
(212) 278-0400

**Mail Stop Missing Parts**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RESPONSE TO JANUARY 19, 2005 NOTICE TO FILE MISSING PARTS**

**Declaration**

In response to the Notice to File Missing Parts of Nonprovisional Application-Filing Date Granted dated January 19, 2005 mailed by the U.S. Patent and Trademark Office (PTO), applicant encloses herewith (i) a copy of the PTO Notice, (ii) signed Declaration and Power of Attorney, (iii) Communication Indicating Practitioners To Be Recognized As Being Of Record, and (iv) check for \$130 surcharge for late filing of the Declaration.

The Declaration enclosed herewith contains the Name of Inventor(s), Title of Invention, Serial Number, and Filing Date, thereby adequately identifying the above-identified application in accordance with 37 C.F.R. 1.63.

**Figures 2, 3A and 3B**

It is contended in the January 19, 2005 Notice to File Missing Parts that Figures 2, 3A and 3B were omitted from the application as filed.

Applicant disagrees.

Applicant submits that Figures 2, 3A and 3B were included in the application filed with the USPTO on August 4, 2003, and that Figures 2, 3A and 3B in the application filed on August 4, 2003 with the USPTO were lost by the USPTO after they were filed by Applicant and received by the USPTO. It should be noted that the January 19, 2005 Notice to File Missing Parts was issued by the PTO more than seventeen months after this application was filed. Although it is unknown to Applicant why it took so long for the application to be processed and for the Notice to File Missing Parts to be issued, it seems clear that the file was not handled in the manner prescribed by USPTO guidelines.

In any event, Applicant submits herewith a Declaration Of Chrissy Mavros and a Declaration Of Jamel Rhabb, each of which indicates that the application filed on August 4, 2003 included 4 sheets of drawings for Figs. 1-3B.

In addition, attached hereto as **Exhibit A** is a photocopy of the front and back of the postcard returned by the USPTO and bearing a label affixed to thereto by the USPTO indicating the application as filed on August 4, 2003 included the contents stated on the postcard. The postcard states that the contents of the application filed on August 4, 2003 included 4 drawing sheets for Figs. 1-3B.

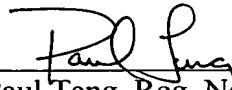
Applicant maintains that Figures 2, 3A and 3B were deposited with the USPTO along with the other nonprovisional application papers.

The Commissioner is authorized to charge the \$130.00 petition fee and any additional fees that may be required, or to credit any overpayment, to our Deposit Account No. 03-3125.

In the unlikely event that Applicant's petition is rejected and it is ruled that Figures 2, 3A and 3B were not deposited with the USPTO along with the other nonprovisional application papers, Applicant requests that the drawings of this application be amended to include Figures 2, 3A and 3B which are attached as Exhibit 1 to the Declaration Of Chrissy Mavros submitted herewith. Applicant maintains that no new matter is added by Figures 2, 3A and 3B. All of the information in Figures 2, 3A and 3B are also present in the drawings of Japanese priority Application No. 2002-227339. A copy of figures 1-3 of Japanese priority Application No. 2002-227339 is attached hereto as **Exhibit B**. The entire contents of Japanese priority Application No. 2002-227339 is incorporated by reference in this application (see specification at page 25, lines

1-4). A copy of page 25 of the specification of this application is attached hereto as **Exhibit C**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Teng", is written over a horizontal line.

Paul Teng, Reg. No. 40,837  
Attorney for Applicant  
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1185 Avenue of the Americas  
New York, New York 10036  
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MPL

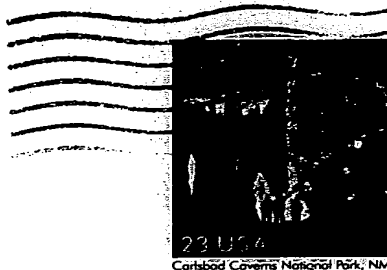
Applicant Osamu SUZUKI  
Client RICOH (2271) File No. 70770 Atty. ISK/PT  
Date August 4, 2003

Kindly acknowledge receipt of the accompanying

New Application of Osamu SUZUKI for NETWORK FACSIMILE MACHINE WITH IMPROVED USABILITY, including Specification (33 pages), Claims (1-13, 7 pages), Abstract (1 page), 4 drawing sheets (Figs. 1-3B), Information Disclosure Statement (including Form PTO-1449 and copies of references), application transmittal in triplicate, a check in the amount of \$750.00 for filing fee and Express Mail Letter of Transmittal Label No. EV325706375US dated August 4, 2003.

Due Date: August 5, 2003

by placing your receiving date stamp hereon and returning to us.



COOPER & DUNHAM LLP

1185 AVENUE OF THE AMERICAS

NEW YORK, N.Y. 10036

AUG 19 2003

